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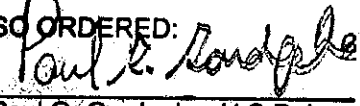
OF COUNSEL TO
BARATTA, BARATTA, & AIDALA, LLP
SMILEY & SMILEY, LLP

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MEMO ENDORSED August 7, 2019

The Application is granted.

SO ORDERED:


Paul G. Gardephe, U.S.D.J.

Dated: 8/16/19

VIA ECF

Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Duracell U.S. Operations, Inc. v. My Import USA Inc., et al*
Case No. 19-cv-3820 (PGG)

Dear Judge Gardephe:

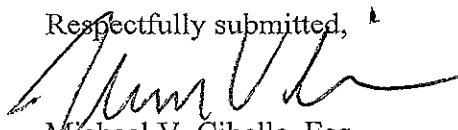
We represent defendant Jian Yang Zhang and write with the consent of all parties pursuant to Rule 1(E) of Your Honor's Individual Practice Rules to request that the Pre-Trial Conference, currently scheduled for August 29, 2019, be re-scheduled, and respectfully request Thursday, September 12, 2019 or a later date that is convenient for the Court. This is the first request for an adjournment of the conference.

Notably, all parties have been actively engaged in settlement discussions and informal discovery since appearing in this action. In this regard, the Court has extended the time in which all defendants must answer or otherwise respond to the Complaint until August 30, 2019, the day after the currently scheduled conference. As such, without responses yet filed with respect to the Complaint, the parties are not in a position to submit a joint letter seven days prior to the currently scheduled conference per Your Honor's Notice of Pre-Trial Conference.

Nevertheless, all parties conferred pursuant to Rule 26 and this Court's rules on August 2, 2019, to begin discussing Your Honor's Civil Case Management Plan and Scheduling Order, as counsel for co-defendants is out of the country from August 5, 2019 through August 21, 2019, and I am thereafter out of the country from August 21, 2019 through August 29, 2019, and, as such, further unavailable for the Pre-Trial Conference as currently scheduled.

Thank you for your consideration of this request.

Respectfully submitted,


Michael V. Cibella, Esq.

cc: All counsel of Record (via ECF)

The conference
is adjourned to
October 22,
2019 at
12:30 p.m.